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FBI Men Punished for Obedience

We have had our brushes with the FBI which, in times past, has sometimes transgressed the law in the name of law and order. But the Justice Department is now going too far in its efforts to nail more than 30 field agents for those transgressions.

They are under investigation for allegedly breaking into private residences, tapping telephones and opening mail without legal authority.

We have established that the FBI agents who carried out these assignments, were merely obeying orders. They were under tight discipline. In each instance, the agent received the approval of their section chief, who got his authorization from Washington.

Top FBI officials, furthermore, kept the Justice Department fully informed of these dubious and devious activities. Sources familiar with the operation say the attorney general, himself, not only knew what the FBI was doing but gave his general authorization.

It will be interesting to see whether the Justice Department can now prosecute lowly agents for carrying out the orders of its own high muck-a-mucks.

Footnote: The targets of most of the FBI break-ins were the Socialist Workers Party and the radical Weathermen. There is evidence that the Weathermen traveled between the United States and Cuba, that they received financial support from Fidel Castro's government and they they were responsible for several bombings in the United States. Under the law, the FBI could conduct warrantless searches and wiretaps if the action was directed against people who were a threat to national security and were connected with a foreign government.

The break-ins continued, it should be added, after ex-Attorney General Richard Kleindienst ordered them stopped in 1972. Nor is there evidence that past Attorneys General had specific knowledge of the break-ins; they were merely aware that the FBI used surreptitious entry in national security cases.

Political Deal?— The day before Tom Kleppe resigned as small business chief to take over the Interior Department, he did a quiet, multimillion-dollar favor for friends in the oil business. Kleppe arbitrarily overruled his staff at the Small Business Administration to allow eight large refineries to qualify for preferential treatment. The decision gives them access to \$20 million in government oil.

It was a last-minute ruling that has their sour smell of politics. One of the eight beneficiaries, Powerline Oil, a California company, is represented in Washington by the law firm of President Ford's close friend, Robert Collier. In fact, Collier was among the few friends whom the President invited to his swearing-in ceremony two years ago.

Powerline had become too large to qualify as a small business under the SBA standards for refineries. Therefore, it was about to lose the opportunity to purchase cheap government oil, which is set aside for small refineries.

The government receives oil from the major oil companies as a royalty for drilling on government land. This cheap royalty oil is made available to small companies to help them compete with the giants.

After Powerline outgrew its status as a small business, it tried to get the standards changed so it would still be

eligible for the royalty oil. But the SBA staff recommended strongly against it. The cheap oil should be reserved, the staff urged, for firms that refined less than 30,000 barrels per day.

"To increase the capacity standard at a time when royalty oil is limited supply," the staff cautioned, "would severely diminish the share now going to each small business to a point where (they) may lose economic effectiveness."

Nevertheless, Kleppe raised the standard to 45,000 barrels per day. By an interesting coincidence, Powerline refines 44,120 barrels per day. It looks almost as if the new standard was set to accommodate the company with the White House connection. However, seven others refineries also will benefit from the ruling.

The day after Kleppe made this multimillion-dollar adjustment in the small business standards, he left the SBA to become Interior Secretary. Kleppe claims he made the decision simply to resolve the matter before leaving SBA. He selected the 45,000 figure, he said, as a compromise between the 30,000 his staff recommended and the 60,000 sought by the refineries.

The eight companies that will benefit from Kleppe's decision are hardly small. The smallest does an annual \$171 million business. Nor was Kleppe unaware of the friendship between the President and Collier.

Footnote: Congressmen John Moss (D-Calif.) and John Dingell (D-Mich.) asked the General Accounting Office to investigate Kleppe's decision. The GAO found no contract between Kleppe and oil lobbyists, but noted that they didn't have access to a complete record of Kleppe's contacts.